

Appendix 1
HB 397 - An Act Establishing the Clark Fork River Basin Task Force

2001 Montana Legislature

HOUSE BILL NO. 397

INTRODUCED BY V. JACKSON, ADAMS, BOOKOUT-REINICKE, BRANAE, D.
BROWN, BRUEGGEMAN, CURTISS, DALE, DELL, DEPRATU, ELLIS,
ERICKSON, LASLOVICH, LAWSON, OLSON, A. PETERSON, RIPLEY, SMITH,
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AN ACT ESTABLISHING THE CLARK FORK RIVER BASIN TASK FORCE;
REQUIRING THE TASK FORCE TO DEVELOP A WATER MANAGEMENT PLAN
FOR THE BASIN; REQUIRING THE TASK FORCE TO SUBMIT INTERIM
REPORTS TO THE GOVERNOR AND THE LEGISLATURE; REQUIRING THE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO
PROVIDE A WRITTEN NOTICE WHEN THE DEPARTMENT ISSUES WATER
USE PERMITS IN THE CLARK FORK RIVER BASIN; SPECIFYING THE
CONTENTS OF THE WRITTEN NOTICE; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE AND A TERMINATION DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Clark Fork River basin task force - water management plan.

(1) The governor's office shall designate an appropriate entity to convene and coordinate a Clark Fork River basin task force to prepare a water management plan for the Clark Fork River basin pursuant to 85-1-203. The designated appropriate entity shall:

(a) identify the individuals and organizations, public, tribal, and private, that are interested in or affected by water management in the Clark Fork River basin;

(b) provide advice and assistance in selecting representatives to serve on the task force;

(c) develop, in consultation with the task force, appropriate opportunities for public participation in the development of a water management plan; and

(d) ensure that all watershed and viewpoints within the basin are adequately represented on the task force, including a representation from the following:

(i) the reach of the Clark Fork River in Montana below its confluence with the Flathead River;

(ii) the Flathead River basin, including Flathead Lake, from Flathead Lake to the confluence of the Flathead River and the Clark Fork River. At least one representative from this basin must be a representative of the Confederated Salish and Kootenai tribal government.

(iii) the Flathead River basin upstream from Flathead Lake;

(iv) the reach of the Clark Fork River between the confluence of the Blackfoot River and the Clark Fork River and the confluence of the Clark Fork River and the Flathead River;

(v) the Bitterroot River basin as defined in 85-2-344; and

(vi) the Upper Clark Fork River basin as defined in 85-2-335.

(2) The task force shall examine, for applicability to the water management plan, existing laws, rules, plans, and other provisions affecting water management in the Clark Fork River basin, including:

(a) the temporary closure of Bitterroot River subbasins pursuant to 85-2-344;

(b) the closure of the Upper Clark Fork River basin pursuant to 85-2-336;

(c) the restrictions on ground water development in the Upper Clark Fork River basin provided for in 85-2-337; and

(d) the Upper Clark Fork River basin management plan, adopted as a section of the state water plan pursuant to 85-1-203.

(3) The task force shall prepare a water management plan for the Clark Fork River basin pursuant to 85-1-203. The water management plan must identify options to protect the security of water rights and provide for the orderly development and conservation of water in the future.

(4) The task force shall submit an interim report annually by October 31 on its activities to the governor and the legislature.

(5) The water management plan, including the information prepared by the task force under this section, must be submitted to the 59th legislature, as provided in 85-1-203, by September 15, 2004.

Section 2. Notice to permitholders -Clark Fork River basin. The department shall provide a written notice to each person that receives a provisional water use permit to appropriate water within the Clark Fork River basin. The written notice must state: "This provisional water use permit has a priority date that is junior to the rights of senior water right holders in the Clark Fork River Basin. In accordance with Montana law, you may be subject to a call by senior water right holders, in which case you may be required to discontinue your use of water for the period of the call."

Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 85, and the provisions of Title 85 apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 2].

Section 4. Notification to tribal government. The secretary of state shall send a copy of [this act] to the tribal government located on the Flathead Indian reservation.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Termination. [This act] terminates April 15, 2005.

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